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18 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
19 SAN JOSE DIVISION

20 DANIEL DONOHUE, individually and on  
21 behalf of all others similarly situated,

22 Plaintiff,

23 v.

24 APPLE INC.,

25 Defendant.

Case No. 5:11-cv-05337 RMW

**CLASS ACTION**

**JOINT STIPULATION FOR  
EXTENSION OF TIME TO FILE  
AMENDED COMPLAINT; []  
ORDER**

**[N.D. CAL. CIVIL LR 6-2]**

Judge: Hon. Ronald M. Whyte  
Complaint Filed: November 3, 2011  
Trial Date: None

1 Pursuant to Northern District Local Rules 6-1(b) and 6-2(a), plaintiff and defendant Apple  
2 Inc. ("Apple"), by and through their respective counsel, hereby stipulate as follows:

3 WHEREAS, on May 10, 2012, the Court entered an order granting Apple's motion to  
4 dismiss, and ordering plaintiff to file a Second Amended Complaint ("SAC") on or before June  
5 11, 2012;

6 WHEREAS, the Court has granted the parties' stipulated requests to extend plaintiff's  
7 time to file the SAC (Dkt. Nos. 51, 53, 57);

8 WHEREAS, the SAC is currently due to be filed on September 21, 2012 (Dkt. No. 57);

9 WHEREAS, plaintiff and Apple attended a mediation on August 29, 2012, with Catherine  
10 Yanni, Esq. of JAMS and continue to engage in productive settlement discussions;

11 WHEREAS, therefore, plaintiff and Apple agree to extend plaintiff's time to file the SAC,  
12 and to extend Apple's time to plead or otherwise respond to the SAC;

13 WHEREAS, this stipulation will not otherwise effect or alter any deadline set by this  
14 Court;

15 NOW THEREFORE, the parties stipulate as follows:

- 16 1. Plaintiff's time to file the SAC is extended to and including October 22, 2012.
- 17 2. Apple's time to plead or otherwise respond to the SAC is extended to and  
18 including November 19, 2012.
- 19 3. Plaintiff's opposition to any threshold motions responding to the SAC shall be  
20 filed on or before November 16, 2012.
- 21 4. Apple's reply brief shall be filed on or before December 17, 2012.
- 22 5. A hearing on Apple's threshold motions, if any, shall be set for January 11, 2013  
23 at 9:00 a.m.
- 24 6. Apple is not obligated to answer the SAC until after the Court rules on any  
25 threshold motions.

1 Dated: September 21, 2012

PENELOPE A. PREOVOLOS  
STUART C. PLUNKETT  
SUZANNA P. BRICKMAN  
MORRISON & FOERSTER LLP

4 By: /s/ Penelope A. Preovolos  
5 Penelope A. Preovolos

6 *Attorneys for Defendant*  
7 APPLE INC.

8 Dated: September 21, 2012

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16 By: /s/ Kathryn Diemer  
17 Kathryn Diemer

18 *Attorneys for Plaintiff*  
19 DANIEL DONOHUE

20 I, Penelope A. Preovolos, am the ECF User whose ID and password are being used to file  
21 this Stipulation. In compliance with General Order 45, section X.B., I hereby attest that I have on  
22 file the concurrences for any signatures indicated by a "conformed" signature (/s/) within this  
23 efiled document.

24 By: /s/ Penelope A. Preovolos  
25 Penelope A. Preovolos

26 PURSUANT TO STIPULATION, IT IS SO ORDERED.

27 Date: FEB FEB

28   
Hon. Ronald M. Whyte  
United States District Judge